



GARDEN COURT CHAMBERS

Tessa Buchanan

YEAR OF CALL: 2012



Tessa practises primarily in the fields of housing, homelessness, community care, administrative and public law, human rights, discrimination, and Gypsy & Traveller law.

Tessa won Barrister of the Year at the Legal Aid Lawyer of the Year Awards 2021.

She is an author of *Migrant Support Handbook* (1st edition, Legal Action Group, 2023), *Housing Allocation and Homelessness: Law and Practice* (6th edition, Lexis Nexis, 2022), *Gypsy and Traveller Law* (3rd edition, Legal Action Group, 2020), and *Housing Law Handbook* (2nd edition, Law Society, 2020).

'Tessa is such a pleasure to work with. She ensures she has grasped all the issues, is always on top of the evidence, and gives clear and well-thought-through advice.'

LEGAL 500, 2024 (ADMINISTRATIVE LAW & HUMAN RIGHTS)

"Tessa Buchanan's astute and meticulous approach never ceases to impress. With lay clients she has the ability to explain complex legal issues in plain English."

CHAMBERS UK, 2024 (SOCIAL HOUSING)

"Tessa Buchanan is a pleasure to work with. She is always on top of her game, incredibly thorough and always exceptionally well prepared."

CHAMBERS UK, 2024 (SOCIAL HOUSING)

"Tessa Buchanan is exceptional at her job."

CHAMBERS UK, 2024 (SOCIAL HOUSING)

"Tessa is very determined, knowledgeable and committed."

CHAMBERS UK, 2023

"She is excellent - very strong in court and extremely thorough, very easy to work with and great with clients."

CHAMBERS UK, 2021 (SOCIAL HOUSING)

If you would like to get in touch with Tessa please contact the clerking team:

contactmyclerks@gclaw.co.uk | +44 (0)20 7993 7600

You can also contact Tessa directly:

tessab@gclaw.co.uk | +44 (0)20 7993 7694

ADMINISTRATIVE AND PUBLIC LAW

Tessa has a busy public law practice with particular expertise in case involving housing, homelessness, community care, and Gypsy & Traveller law. She is ranked in The Legal 500.

Accommodation of homeless young people

R (TW) v Essex County Council [2024] EWHC 264 (Admin)

Tessa acted as junior counsel in a case concerning the local authority's arrangements for the accommodation of homeless young people.

R (BC) v Surrey County Council [2023] EWHC 3209 (Admin)

Tessa was junior counsel for the claimant in a successful challenge to the local authority's failure to recognise that the claimant had been a looked after child and was owed duties as a care leaver.

R (TT) v Essex County Council [2023] EWHC 826 (Admin)

Tessa represented the claimant in a case concerning the accommodation of homeless young people.

Afghan resettlement schemes

R (HZ and others) v Secretary of State for the Home Department [2023] EWHC 660 (Admin)

Tessa was junior counsel for the claimant in a challenge to the relocation of an Afghan family under the resettlement schemes.

Use of dental age estimations and photographs in age assessments

R (AS) v Kent County Council [2017] UKUT 446 (IAC)

Tessa acted as junior counsel for the claimant in an age assessment raising issues of wider importance including the reliability of dental age assessments and the use of photographs in age assessments. The Tribunal agreed with the claimant's arguments that dental age assessments are not reliable and booklets of photographs are of no evidential use.

Successful challenge to age assessment

R (HM) v Kent County Council

Tessa acted for the claimant in a complex age assessment dispute. After a five-day trial in the Upper Tribunal, the judge found that the claimant was younger than the age assessed by the local authority.

Provision for homeless Gypsy family under the Children Act 1989

R (SC) v London Borough of Ealing [2016] EWHC 2765 (Admin)

This was a challenge to the council's decision that the claimant's children were not in need and therefore no accommodation would be provided for the family. Tessa represented the claimant in contested hearings in the High Court and then successfully obtained permission to appeal to the Court of Appeal on an important point of principle.

NOTABLE CASES

HOUSING LAW

Tessa has a particular interest in homelessness and housing allocation matters and in cases involving discrimination, human rights, and public law issues. She is ranked in Chambers and Partners and Legal 500 in this area.

Tessa is an author of *Migrant Support Handbook* (1st edition, Legal Action Group, 2023), *Housing Allocation and Homelessness: Law and Practice* (6th edition, Lexis Nexis 2022), and *Housing Law Handbook* (2nd edition, Law Society, 2020). She was the vice-chair of the Housing Law Practitioners' Association for four years.

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

“No DSS” challenges

Tessa was instructed by Shelter in a series of cases challenging landlords and letting agents who refused to accept tenancy applicants simply because they received benefits. In *“J” v A Letting Agent*, County Court at York, 2020, the Court declared that a No DSS policy amounted to unlawful indirect discrimination. In *Tyler v Paul Carr Estate Agents* [2020] EW Misc 30 (CC), after a contested trial the Court declared that the claimant had been subjected to unlawful indirect disability discrimination and awarded him £6,000 in damages plus his costs on an indemnity basis. In *Pearce v Michael Jones & Co and another*, County Court at Worthing, 2020, the Court again made a declaration that the claimant had been unlawfully discriminated against. The cases attracted significant media attention.

Suitability finding was flawed because officer had reviewed own decision

HM (a protected party, by his Litigation Friend) v Southwark London Borough Council (2020/2021)

The County Court quashed a decision that the Appellant's accommodation was suitable on the grounds that the same officer had made both the original decision and the review decision; the officer had failed to consider the availability of closer accommodation; and the officer had failed to comply with the public sector equality duty. Tessa represented the Appellant up to the final hearing.

Acceptance of main housing duty cannot be withdrawn on grounds that applicant lacks capacity

AW v Richmond upon Thames Royal London Borough Council (2020) November *Legal Action* 41

Tessa represented the Appellant in a successful appeal against a decision to discharge the main housing duty. The Court held that there was no power to withdraw a decision accepting the main housing duty simply because the applicant lacked capacity.

Meaning of "significantly" more vulnerable

Panayioutou v Waltham Forest London Borough Council [2017] EWCA Civ 1624

In a case with widespread implications for homeless applicants, the Court of Appeal handed down guidance on when a person is vulnerable and therefore in priority need under the Housing Act 1996. Tessa was junior counsel for the Appellant.

Accommodation under the Children Act 1989

R (SC) v London Borough of Ealing [2016] EWHC 2765 (Admin)

This was a challenge to the council's decision that the claimant's children were not in need and therefore that no accommodation would be provided for the family. Tessa represented the Claimant in contested hearings in the High Court and then successfully obtained permission to appeal to the Court of Appeal.

Complex possession case involving fraudulent agent

Kalganova v Matumorya and Mandazi October 2014 *Legal Action* 48

Tessa acted for the Second Defendant in a claim for possession brought on the grounds that the Defendants were trespassers. In a complex case involving multiple contracts/tenancy agreements and a fraudulent third party, she successfully rebutted arguments that the defendants had entered onto the land without lawful consent; that a tenancy agreement between the claimant and the agent was void for uncertainty, illegality, or fraudulent misrepresentation; that the agreement between the claimant and the agent did not create a tenancy and was not valid; that the defendants' sub tenancy had been forfeited; and that the sub tenancy was unlawful.

COMMUNITY CARE LAW

Tessa acts in a wide range of community care matters. She has a particular interest in representing children and is often instructed in cases involving challenges to failures to provide support or accommodation under the Children Act 1989; cases involving children who are leaving or have left care; and challenges to age assessments of unaccompanied asylum-seeking children. She is ranked in Chambers and Partners and Legal 500 in this area.

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

Accommodation of homeless young people

R (TW) v Essex County Council [2024] EWHC 264 (Admin)

Tessa acted as junior counsel in a case concerning the local authority's arrangements for the accommodation of homeless young people.

R (BC) v Surrey County Council [2023] EWHC 3209 (Admin)

Tessa was junior counsel for the claimant in a successful challenge to the local authority's failure to recognise that he had been a looked after child and was owed duties as a care leaver.

R (TT) v Essex County Council [2023] EWHC 826 (Admin)

Tessa represented the claimant in a case concerning the accommodation of homeless young people.

Afghan resettlement schemes

R (HZ and others) v Secretary of State for the Home Department [2023] EWHC 660 (Admin)

Tessa was junior counsel for the claimant in a challenge to the relocation of an Afghan family under the resettlement schemes.

Use of dental age estimations and photographs in age assessments

R (AS) v Kent County Council [2017] UKUT 446 (IAC)

Tessa acted for the claimant as junior counsel in an age assessment raising issues of wider importance including the reliability of dental age assessments and the use of photographs in age assessments. The Tribunal agreed with the claimant's arguments that dental age assessments are not reliable and booklets of photographs are of no evidential use.

Successful challenge to age assessment

R (HM) v Kent County Council

Tessa acted for the claimant in a complex age assessment dispute. After a five-day trial in the Upper Tribunal, the judge found that the claimant was younger than the age assessed by the local authority.

Provision for homeless Gypsy family under the Children Act 1989

R (SC) v London Borough of Ealing [2016] EWHC 2765 (Admin)

This was a challenge to the council's decision that the claimant's children were not in need and therefore no accommodation would be provided for the family. Tessa represented the claimant in contested hearings in the High Court and then successfully obtained permission to appeal to the Court of Appeal on an important point of principle.

ROMANI GYPSY AND TRAVELLER RIGHTS

Tessa has a particular interest in representing members of the Gypsy, Traveller, and Roma communities. She is a contributing author to *Gypsy and Traveller Law* (3rd edition, LAG, 2020).

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

Injunctions against Persons Unknown

Wolverhampton City Council v London Gypsies and Travellers and others [2023] UKSC 47

Tessa was junior counsel for the Appellants in a case in the Supreme Court concerning whether final injunctions can be made against unidentified Persons Unknown. The Court held that injunctions against unidentified and unidentifiable persons could be granted but it emphasised the exceptional nature of the remedy and the significant substantive and procedural safeguards that should be in place when any such relief is sought.

Definition of Gypsies and Travellers in Planning policy for Traveller sites

Smith v Secretary of State for Communities, Housing, and Local Government [2022] EWCA Civ 1391

Tessa was junior counsel for the claimant in a successful challenge to the Government's definition of Gypsies and Travellers as contained in Planning policy for Traveller sites.

Wide injunctions against Gypsies and Travellers

Bromley v Persons Unknown [2020] EWCA Civ 12

Between 2015 and 2019, some 38 local authorities obtained injunctions banning unauthorised encampments in all, or large swathes of, their area. Such injunctions have a disproportionate effect on Gypsies and Travellers. Tessa acted (substantially pro bono) as junior counsel in a landmark case in which the Court of Appeal expressed serious concerns about such injunctions and gave guidance as to the limited circumstances in which they should be granted.

Implications of discrimination by Secretary of State for Communities and Local Government

Mulvenna v Secretary of State for Communities and Local Government [2017] EWCA Civ 1850, [2018] JPL 516

This case arose from the SSCLG's practice of recovering Gypsy and Traveller planning appeals in the Green Belt, which had been found to be discriminatory in *Moore and Coates v SSCLG* [2015] EWHC 44 (Admin). The case explored the consequences of that judgment for the many other Gypsies and Travellers whose appeals had also been unlawfully recovered.

Provision for homeless Gypsy family under the Children Act 1989

R (SC) v London Borough of Ealing [2016] EWHC 2765 (Admin)

This was a challenge to the council's decision that the claimant's children were not in need and therefore that no accommodation would be provided for the family. Tessa represented the claimant in contested hearings in the High Court and then successfully obtained permission to appeal to the Court of Appeal.

Wide injunction

Ealing LBC v Connors [2016] EWHC 1387 (QB), [2016] JPL 1100

Tessa acted for the first defendant in a case challenging the council's application for a borough-wide injunction.

BACKGROUND

Tessa joined Garden Court Chambers in October 2013 after completing her pupillage [here](#).

Before coming to the Bar, she volunteered with Hammersmith and Fulham Community Law Centre, the Children's Legal Centre, Just for Kids Law, the Free Representation Unit (FRU), and the National Centre for Domestic Violence.

PUBLICATIONS

Books:

Migrant Support Handbook (1st edition, Legal Action Group, 2023)

Housing Allocation and Homelessness: Law and Practice (6th edition, Lexis Nexis, 2022)

Gypsy and Traveller Law (3rd edition, Legal Action Group, 2020)

Housing Law Handbook (2nd edition, Law Society, 2020)

Migrant Support Handbook (1st edition, Legal Action Group, forthcoming)

Articles:

Gypsy and Traveller Law: update (2023) July/August *Legal Action* 36

Planning definition of Gypsies and Travellers unlawfully discriminatory, Discrimination Law Association Briefings 1041, vol 78, p 22

Gypsy and Traveller: case note (2022/2023) December/January *Legal Action* 41

Gypsy and Traveller: update (2022) April *Legal Action* 37

Gypsy and Traveller: case note – Barking and Dagenham LBC and others v Persons Unknown and other 2021) July/August *Legal Action* 35

Allocation schemes and “preferences”, March 2021, Local Government Lawyer

No DSS’ policy declared unlawful (Tyler v Paul Carr Estate Agents), LexisNexis PSL

Gypsy and Traveller: update (Parts 1 and 2) (2020/2021) December/January *Legal Action* 18 and (2020) November *Legal Action* 30

No DSS’ policy ruled unlawful, Discrimination Law Association Briefings 960, vol 70, p 31

No pets, no smokers...no DSS? (2020) September *Legal Action* 14

Gypsy and Traveller freedom to travel upheld in the Court of Discrimination Law Association Briefings 940, vol 70, p 22

Gypsy and Traveller: case note (2020) March *Legal Action* 34

The Homelessness Reduction Act 2017: one year on (2019) July/August *Legal Action* 14

The Upper Tribunal on age assessments, November 2017, Local Government Lawyer

Article 8 and disability discrimination: where are we now? (2014) 18 *L. & T. Review* 210

TRAINING AND SEMINARS

Tessa frequently speaks at conferences and seminars and provides training for people working in the legal, charity, and public sectors. She is a trainer for the All Party Parliamentary Group on Legal Aid and has provided several training sessions for MP caseworkers. She has also provided training on using the law to

assist life-limited children and their families for LawWorks.

Tessa also gave evidence on behalf of HLPAs to the Justice Select Committee's inquiry into the impact of court and tribunal reforms on access to justice.

AWARDS

Bernard Sunley prize, Inner Temple (2012-13)

Princess Royal Scholar, Inner Temple (2011-12)

Trinity Chambers Prize for Best Overall Performance, Northumbria University BPTC (2011-12)

Parklane Plowden Chambers Prize for Best Advocate, Northumbria University BPTC (2011-12)

BPTC Scholar, Northumbria University (2011-12)

Winner, Inner Temple Leeds Debating Competition (2011)

Winner, Middle Temple Monroe Cup (2010)

EDUCATION

Bar Professional Training Course: Northumbria University (Outstanding)

Graduate Diploma in Law: City University (Distinction)

MA (Hons) History: Emmanuel College, Cambridge

PROFESSIONAL MEMBERSHIP

Housing Law Practitioners' Association

If you would like to get in touch with Tessa please contact the clerking team:

contactmyclerks@gclaw.co.uk | +44 (0)20 7993 7600

You can also contact Tessa directly:
tessab@gclaw.co.uk | +44 (0)20 7993 7694



57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: info@gclaw.co.uk

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane